

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 2649 of 2005

Date:05-10-2007

Between:

Lalam Appa Rao

.. PETITIONER

AND

The District Collector, Visakhapatnam and two others

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RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not considering and disposing of the representation, dated 03.10.1996 and in not passing any order on the claim of the petitioner for grant of D-form patta for the land to an extent of Ac.2.00 cents situated in old Sy.No. 1/P corresponding to New Sy.No.3 of Parvada village of Visakhapatnam District and asking the petitioner to vacate the said land without following due process of law, as illegal and arbitrary.

It is the case of the petitioner that he has occupied an extent of land of Ac.4.00 cents in old Sy.No.1/P of Parvada village, Mandal Parvada, Visakhapatnam District which is a hill poramboke and the then Tahsildar, Sabbavaram assigned of an extent of land of Ac.2.00 cents vide proceedings dated, 21.02.1982 and even in respect of the said land of Ac.2.00 cents which was assigned to him, the respondents sought for eviction of the petitioner and questioning the same, the petitioner filed W.P.No.15232 of 1992 on the file of this Court which was disposed of on 23.11.1992 directing the respondents therein to grant patta for Ac.2.00 cents of land which was already tentatively assigned in favour of the petitioner by the then Tahsildar, Sabbavaram vide his proceedings, dated 21.02.1983 and a supplementary sethwari has to be issued by the concerned authority and with regard to balance of Ac.2.00 cents land is concerned, the Mandal Revenue Officer, Paravada mandal was directed to initiate proceedings under the provisions of A.P. Land Encroachment Act, 1985 by following due procedure by issuing a notice under Section 7 and then take consequential action in accordance with the provisions of the said statute. It is stated that the petitioner filed a representation, dated

03.10.1996 for grant of D-form patta, but the said representation has not been considered and disposed of and on the other hand, they are taking steps to dispossess the petitioner from the said land.

Having regard to the facts of the case, as already there is an order of this Court in favour of the petitioner to follow the procedure in accordance with the provisions of the A.P. Land Encroachment Act, the respondents are directed not to dispossess the petitioner from his land without following due process of law.

With the aforesaid directions, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:05.10.2007

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